

**SHIRLEY DOUGLAS, successor in interest of
Schwartz & Associates, P.A. and Interstate Fire
and Casualty Co. PLAINTIFF**

CIVIL ACTION NO. 3:12cy523-LG-FKB

**AGREED ORDER OF SUBSTITUTION AND GRANTING
MISCELLANEOUS RELIEF**

Recognizing this is an agreed order, this Court FINDS the Parties' joint *ore tenus motion* to be well-taken.

- (1) Regions Corp. is hereby DISMISSED from this Action as a Party WITHOUT PREJUDICE; and
- (2) Regions Bank is hereby substituted as a Party Defendant in place of Regions' Corp.;
- (3) Douglas' [1-1] Complaint is hereby AMENDED, in that each and every reference therein to Regions Corp. shall now be substituted with a reference to Regions Bank;
- (4) With full reservation of all rights and defenses, Regions Bank waives service of process and shall plead or otherwise respond to the Complaint as amended, within 21-days of the date of entry of this Order;
- (5) Should Regions Bank and/or Trustmark file a motion to compel arbitration, pursuant to Miss. Unif. Civ. L. R. 16(b)((3)(B), the attorney conference and disclosure requirements and all discovery not related to the arbitration issue, shall

be stayed until final adjudication of the motion(s) to compel arbitration, including during the pendency of any appeal of the order(s) on such motion(s);

- (6) After the final adjudication of the motion(s), including any appeals, any party may seek continuation of the stay by appropriate motion, if the Parties are unable to reach an agreement with respect to same;
- (7) Douglas hereby stipulates, with such stipulation now accepted and enforced by this Order, that her complaint, both as originally filed and as amended, contains a federal question, in that some of her claims – but not all – as pled, in fact arise under the laws of the United States;
- (8) Douglas further stipulates, with such stipulation now accepted and enforced by this Order, that she will not file a motion to remand or to dismiss for lack of subject matter jurisdiction and that she will take no action to seek to defeat federal subject matter jurisdiction in this Action; and
- (9) Nothing herein shall prejudice Regions', Trustmark's and any other covered persons' putative rights to seek to compel arbitration of any claims against them by Douglas or otherwise, or prejudice Douglas' putative defenses to such putative rights.

SO ORDERED AND ADJUDGED this the 12th day of September, 2012.

s/ *Louis Guirola, Jr.*
LOUIS GUIROLA, JR.
CHIEF U.S. DISTRICT JUDGE